The Madhya Pradesh Accommodation Control Act, 1961

Act No. 41 of 1961. 63 sections. Bare Act with the official footnotes.

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CHAPTER I Preliminary

Section 1. Short title, extent and commencement

(1) This Act may be called The Madhya Pradesh Accommodation Control Act, 1961.

(2) It extends to the whole of Madhya Pradesh.

(3) The Act shall, in the first instance, be in force in the areas specified in the [first Schedule], It shall [come into force] in other areas of the State on such dates as the State Government may, by notification, appoint and different dates may be appointed for different areas and for different provisions of the Act and thereupon the [first Schedule] shall be deemed to have been amended accordingly.

Section 2. Definitions

In this Act, unless the context otherwise requires,-

(a) "accommodation" means any building or part of a building, whether residential or non-residential and includes,-

(i) any land which is not being used for agricultural purposes;

(ii) garden, grounds, garages and out-houses, if any, appurtenant to such building or part of the building;

(iii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(iv) any furniture supplied by the landlord for use in such building or part of building;

(b) "landlord" means a person, who, for the time being, is receiving, or is entitled to receive, the rent of any accommodation, whether on his own account or on account of or on behalf of or for the benefit of, any other person or as a trustee, guardian or receiver for any other person or who would so receive the rent or be entitled to receive the rent, if the accommodation were let to a tenant and includes every person not being a tenant who from time to time derives title under a landlord;

(c) "lawful increase" means an increase in rent permitted under the provisions of this Act;

(d) "lease" includes a sub-lease;

(e) "member of the family" in case of any person means the spouse, son, unmarried daughter, father, grandfather, mother, grandmother, brother, unmarried sister, paternal uncle, paternal uncle's wife or widow, or brother's son or unmarried daughter living jointly with, or any other relation dependent on him;

(f) "Rent Controlling Authority" means an officer appointed under Section 28;

(g) "repealed Act" means the Madhya Pradesh Accommodation Control Act, 1955 (XXIII of 1955), repealed under Section 51;

(h) "standard rent" in relation to any accommodation means standard rent referred to in Section 7 or where the standard rent has been increased under Section 8, such increased rent;

(i) "tenant" means a person by whom or on whose account or behalf the rent of any accommodation is, or, but for a contract express or implied, would be payable for any accommodation and includes any person occupying the accommodation as a sub-tenant and also, any person continuing in possession after the termination of his tenancy whether before or after the commencement of this Act; but shall not include any person against whom any order or decree for eviction has been made.

Section 3. Act not to apply to certain accommodations

(1) Nothing in this Act shall apply to-

(a) accommodation which is the property of the Government;

(b) accommodation which is the property of a local authority used exclusively for non-residential purposes.

(2) The Government may, by notification, exempt from all or any of the provisions of this Act any accommodation which is owned by any educational, religious or charitable institution or by any nursing or maternity home, the whole of the income derived from which is utilised tor that institution or nursing home or maternity home.

CHAPTER II Provisions Regarding Rent

Section 4. Provisions of the Chapter not to apply to certain accommodations for specified period

Nothing in this Chapter shall apply to any accommodation or part thereof, construction of which, was completed before or after the commencement of this Act, for a period of five years from the date on which completion of such construction was notified to the local authority concerned.

Section 5. Rent in excess of standard rent not recoverable

(1) No tenant shall, notwithstanding any agreement to the contrary, be liable to pay to his landlord for the occupation of any accommodation any amount in excess of the standard rent of the accommodation.

(2) Any agreement for the payment of rent in excess of the standard rent shall be construed as if it were an agreement for the payment of the standard rent only.

Section 6. Unlawful charges not to be claimed or received

(1) Subject to the provisions of this Act, no person shall claim or receive any rent in excess of the standard rent, notwithstanding any agreement to the contrary.

(2) No person shall, in consideration of the grant, renewal or continuance of a tenancy or sub-tenancy of any accommodation,-

(a) claim or receive the payment of any sum as premium or pugree or claim or receive any consideration whatsoever, in cash or in kind, in addition to the rent; or

(b) except with the previous permission of the Rent Controlling Authority, claim or receive the payment of any sum exceeding one month's rent of such accommodation as rent in advance.

(3) It shall not be lawful for the tenant or any other person acting or purporting to act on behalf of the tenant or a sub-tenant to claim or receive any payment in consideration of the relinquishment, transfer or assignment of his tenancy or sub-tenancy, as the case may be, of any accommodation.

(4) Nothing in this Section shall apply to any payment made under an agreement by any person to a landlord for the purpose of financing the construction of the whole or part of any accommodation on the land belonging to, or taking on lease, by the landlord, if one of the conditions of the agreement is that the landlord is to let to that person the whole or part of the accommodation when completed for the use of that person or any member of his family :

Provided that such payment shall not exceed the amount of agreed rent for a period of five years of the whole or part of the accommodation to be let to such person.

(5) Any payment made under sub-section (4) shall be deemed to be the payment of rent in advance for such period from the commencement of the tenancy to which it is relatable.

Section 7. Standard rent

"Standard rent" in relation to any accommodation means-

(1) where reasonable annual rent or fair rent has been fixed by a competent authority under the repealed Act or prior to the commencement of the repealed Act, as the case may be, by a competent authority under the

enactment for the time being in force, such reasonable annual rent or fair rent ;

(2)(i) where the accommodation was let out on or before the 1st day of January, 1948, and the reasonable annual rent or fair rent has not been so fixed, the rent of that accommodation as shown in the Municipal Assessment Register or as was realised on the 1st day of January, 1948, whichever is less; or

(ii) where the accommodation was not let out on or before the 1st day of January, 1948, the rent of that accommodation as shown in the Municipal Assessment Register or as could be realised on the 1st day of January, 1948, whichever is less ; increased-

(a) in the case of a residential accommodation and accommodation used for education purposes, by thirty-five per cent of such rent;

(b) in the case of other accommodation, by seventy per cent of such rent; and

(c) in case the tenant is not liable to pay the municipal tax and there has been any increase in municipal tax subsequent to 1st day of January, 1948, [by an amount equal to such increase]:

Provided that the increase specified in paragraphs (a) and (b) shall be permissible only if the accommodation has been kept in good and tenantable repairs;

(3) in case of accommodation not falling under clause (1) or (2) above,-

(a) if the accommodation is separately assessed to municipal assessment, the annual rent according to such assessment plus fifteen per cent thereon;

(b) if only a part of the accommodation is so assessed, the proportionate amount of the annual rent for the whole accommodation according to such assessment plus fifteen per cent thereon;

(c) if the accommodation is not so assessed,-

(i) the annual rent calculated with reference to the rent agreed upon between the landlord and the tenant when such accommodation is first let out, and if it has not been so let out, to such amount for which it could be let out immediately after its construction was completed; or

(ii) the annual rent calculated on the basis of annual payment of an amount equal to 634 per cent per annum of the aggregate amount of the actual cost of construction and the market price of the land comprised in the accommodation on the date of the commencement of the construction;

whichever is less.

Section 8. Lawful increase of standard rent in certain cases and recovery of other charges

(1) Where a landlord has, at any time, before the commencement of this Act with or without the approval of the tenant or after the commencement of this Act with the written approval of the tenant or of the Rent Controlling Authority, incurred expenditure for any improvement, addition or structural alteration in the accommodation not being expenditure on decoration or tenantable repairs necessary or usual for such accommodation, and the cost of that improvement, addition or alteration has not been taken into account, in determining the rent of the accommodation, the landlord may lawfully increase the standard rent per year by an amount not exceeding ten per cent of the rent payable, for the time being.

(2) Where a landlord pays in respect of the accommodation any charge for electricity or water consumed in the accommodation or any other charge levied by a local authority having jurisdiction in the area which is ordinarily payable by the tenant, he may recover from the tenant the amount so paid by him, but the landlord shall not save as provided in Section 7, recover from the tenant whether by means of an increase in rent or otherwise, the amount of any tax on building or land imposed in respect of the accommodation occupied by the tenant :

Provided that nothing in this sub-section shall affect the liability of any tenant under an agreement, whether express or implied, to pay from time to time the amount of any such tax as aforesaid.

Section 9. Notice of increase of rent

(1) Where a landlord wishes to increase the rent of any accommodation, he shall give the tenant notice of his intention to make the increase and in so far as such increase is lawful under this Act, it shall be due and recoverable only in respect of the period of the tenancy after the expiry of thirty days from the date on which the notice is given.

(2) Every notice under sub-section (1) must be in writing signed by or on behalf of the landlord and either be sent by registered post acknowledgment due to the tenant or be tendered or delivered personally to him, or to one of his family or servants at his residence, or (if such tender or delivery is not practicable) affixed to a conspicuous part of the accommodation.

Section 10. Rent Controlling Authority to fix standard rent, etc

(1) The Rent Controlling Authority shall, on an application made to it in this behalf, either by the landlord or by the tenant, in the prescribed manner, fix in respect of any accommodation-

(i) the standard rent in accordance with the provisions of Section 7; or

(ii) the increase, if any, referred to in Section 8.

(2) In fixing the standard rent of any accommodation or the lawful increase thereof, the Rent Controlling Authority shall fix an amount which appears to it to be reasonable having regard to the provisions of Section 7 or Section 8 and the circumstances of the case.

(3) In fixing the standard rent of any accommodation part of which has been lawfully sub-let, the Rent Controlling Authority may also fix the standard rent of the part sub-let.

(4) Where for any reason it is not possible to determine the standard rent of any accommodation on the principles set forth under Section 7, the Rent Controlling Authority may fix such rent as would be reasonable having regard to the situation, locality and condition of the accommodation and the amenities provided therein and where there are similar or nearly similar accommodations in the locality, having regard also to the standard rent payable in respect of such accommodations.

(5) The standard rent shall be fixed for a tenancy of twelve months :

Provided that where the tenancy is from month to month or for any period less than a month, the standard rent for such tenancy shall bear the same proportion to the annual standard rent as the period of tenancy bears to twelve months.

(6) In fixing the standard rent of any accommodation under this Section, the Rent Controlling Authority shall fix the standard rent thereof in an unfurnished state and may also determine an additional charge to be payable on account of any furniture supplied by the landlord and it shall be lawful for the landlord to recover such additional charge from the tenant.

(7) In fixing the standard rent of any accommodation under this Section, the Rent Controlling Authority shall specify a date from which the standard rent so fixed shall be deemed to have effect :

Provided that in no case the date so specified shall be earlier than thirty days prior to the date of the filing of the application for the fixation of the standard rent.

Section 11. Fixation of interim rent

If an application for fixing the standard rent or for determining the lawful increase of such rent is made under Section 10, the Rent Controlling Authority shall, pending final decision on the application, make, as expeditiously as possible, a provisional order specifying the amount of the interim rent or lawful increase to be paid by the tenant to the landlord and shall appoint the date from which such interim rent or lawful increase so specified shall be deemed to have effect.

CHAPTER III Control of Eviction of Tenants

Section 11A. Certain provisions not to apply to certain categories of landlords

[The provisions of this Chapter so far as they relate to matter specially provided in Chapter III-A shall not apply to the landlord defined in Section 23-J.]

Section 12. Restriction on eviction of tenants

(1) Notwithstanding anything to the contrary contained in any other law or contract, no suit shall be filed in any civil Court against a tenant for his eviction from any accommodation except on one or more of the following grounds only, namely :

(a) that the tenant has neither paid nor tendered the whole of the arrears of the rent legally recoverable from him within two months of the date on which a notice of demand for the arrears of rent has been served on him by the landlord in the prescribed manner;

(b) that the tenant has, whether before or after the commencement of this Act, unlawfully sub-let, assigned or otherwise parted with the possession of the whole or any part of the accommodation for consideration or otherwise;

(c) that the tenant or any person residing with him has created a nuisance or has done any act which is inconsistent with the purpose for which he was admitted to the tenancy of the accommodation, or which is likely to affect adversely and substantially the interest of the landlord therein:

Provided that the use by a tenant of a portion of the accommodation as his office shall not be deemed to be an act inconsistent with the purpose for which he was admitted to the tenancy;

(d) that the accommodation has not been used without reasonable cause for which it was let, for a continuous period of six months immediately preceding the date of the filing of the suit for the recovery of possession thereof;

[(e) that the accommodation let for residential purposes is required bonafide by the landlord for occupation as a residence for himself or for any member of his family, if he is the owner thereof, or for any person for whose benefit the accommodation is held and that the landlord or such person has no other reasonably suitable residential accommodation of his own in his occupation in the city or town concerned ;

(f) that the accommodation let for non-residential purposes is required bonafide by the landlord for the purpose of continuing or starting his business or that of any of his major sons or unmarried daughters if he is the owner thereof or for any person for whose benefit the accommodation is held and that the landlord or such person has no other reasonably non-residential accommodation of his own in his occupation in the city or town concerned];

(g) that the accommodation has become unsafe, or unfit for human habitation and is required bonafide by the landlord for carrying out repairs which cannot be carried out without the accommodation being vacated;

(h) that the accommodation is required bonafide by the landlord for the purpose of building or rebuilding or making thereto any substantial additions or alterations and that such building or re-building or alterations cannot be carried out without the accommodation being vacated;

(i) that the tenant has, whether before or after the commencement of this Act, built, acquired vacant possession of, or, been allotted an accommodation suitable for his residence;

(j) that the accommodation was let to the tenant for use as a residence by reason of his being in the service or employment of the landlord, and that the tenant has ceased, whether before or after the commencement of this Act, to be in such service or employment;

(k) that the tenant has, whether before or after the commencement of this Act, caused or permitted to be caused substantial damage to the accommodation;

(l) that the tenant has given written notice to quit and in consequence of that notice, the landlord has contracted to sell the accommodation or has taken any other step as a result of which his interests would seriously suffer if he is not put in possession of that accommodation;

(m) that the tenant has, without the written permission of the landlord, made or permitted to be made, any such construction as has materially altered the accommodation to the detriment of the landlord's interest or is likely to diminish its value substantially;

(n) in the case of accommodation which is open land, that the landlord requires it for constructing a house on it;

(o) that the tenant has without the written permission of the landlord also taken possession of such portion or portions of accommodation which is not included in the accommodation let to Him and which the tenant has not vacated in spite of a written notice of the landlord in that behalf;

(p) that the tenant has been convicted under any law for the time being in force of an offence of using the building or allowing the building to be used for immoral or illegal purposes.

(2) No order for the eviction of tenant in any proceeding under sub-section (1) shall be binding on any sub-tenant referred to in Section 15 who has given notice of his sub-tenancy to the landlord under the provisions of that Section, unless the sub-tenant is made a party to the proceeding and the order for eviction is made binding on him.

(3) No order for the eviction of a tenant shall be made on the ground specified in clause (a) of sub-section (1), if the tenant makes payment or deposit as required by Section 13 :

Provided that no tenant shall be entitled to the benefit under this sub-section, if, having obtained such benefit once in respect of any accommodation, he again makes a default in the payment of rent of that accommodation for three consecutive months.

[(4) Where a landlord has acquired any accommodation by transfer, no suit for the eviction of tenant shall be maintainable under sub-section (1) on the ground specified in clause (e) or clause (f) thereof, unless a period of one year has elapsed from the date of the acquisition.

(5) Where an order for the eviction of a tenant is made on the ground specified in.clause (e) of sub-section (1), the landlord shall not be entitled to obtain possession thereof before the expiration of a period of two months from the date of the order.

(6) Where an order for the eviction of a tenant is made on the ground specified in clause (f) of sub-section (1), the landlord shall not be entitled to obtain possession thereof-

(a) before the expiration of a period of two months from the date of the order;and

(b) if the accommodation is situated in cities of Gwalior (including Lashkar and Morar), Indore, Ujjain, Ratlam, Bhopal, Jabalpur, Raipur, Durg or such other towns or cities specified by the State Government by a notification in that behalf, unless the landlord pays to the tenant such amount by way of compensation as may be equal to-

(i) double the amount of the annual standard rent of the accommodation in the following cases, namely:-

(a) where the accommodation has, for a period of ten years immediately preceding the date on which the landlord files a suit for possession thereof, been used for business purposes or for any other purpose along with such purposes, by the tenant who is being evicted;

(b) where during the aforesaid period of ten years, the tenant carrying on any business in the accommodation has left it, and the tenant immediately succeeding has acquired the business of his predecessor either through transfer or inheritance;

(ii) the amount of the annual standard rent in other cases.]

(7) No order for the eviction of a tenant shall be made on the ground specified in clause (h) of sub-Section (1), unless the Court is satisfied that the proposed reconstruction will not radically alter the purpose for which the accommodation was let or that radical alteration is in the public interest, and that the plans and estimates of such reconstruction have been properly prepared and that necessary funds for the purpose are available with the landlord.

(8) No order for the eviction of a tenant shall be made on the ground specified in clause (j) of sub-Section (1), if any dispute as to whether the tenant has ceased to be in the service or employment of the landlord is pending before any authority competent to decide such dispute.

(9) No order for the eviction of a tenant shall be made on the ground specified in clause (k) of sub-Section (1), if the tenant, within such time as may be specified in this behalf by the Court, carries out repairs to the damage caused to the satisfaction of the Court or pays to the landlord such amount by way of compensation as the Court may direct.

(10) No order for the eviction of a tenant shall be made on the ground specified in clause (m) of sub-Section (1), if the tenant within such time as may be specified in this behalf by the Court restores the accommodation to its original condition or pays to the landlord such amount by way of compensation as it may direct.

(11) No order for the eviction of a tenant shall be made on the ground specified in clause (o) of sub-Section (1), if the tenant within such time as may be specified in this behalf by the Court vacates the portion or portions of accommodation not let to him and pays to the landlord such amount by way of compensation as it may direct.

Section 13. When tenant can get benefit of protection against eviction

[(1) On a suit or any other proceeding being instituted by a landlord on any of the grounds referred to in Section 12 or in any appeal or any other proceeding by a tenant against any decree or order for his eviction, the tenant shall, within one month of the service of writ of summons or notice of appeal or of any other proceeding, or within one month of institution of appeal or any other proceeding by the tenant, as the case may be, or within such further time as the Court may on an application made to it allow in this behalf, deposit in the Court or pay to the landlord, an amount calculated at the rate of rent at which it was paid, for the period for which the tenant may have made default including the period subsequent thereto up to the end of the month previous to that in which the deposit or payment is made ; and shall thereafter continue to deposit or pay, month by month by the 15th of each succeeding month a sum equivalent to the rent at that rate till the decision of the suit, appeal or proceeding, as the case may be.

(2) If in any suit or proceeding referred to in sub-Section (1), there is any dispute as to the amount of rent payable by the tenant, the Court shall, on a plea made either by landlord or tenant in that behalf which shall be taken at the earliest opportunity during such suit or proceeding, fix a reasonable provisional rent, in relation to the accommodation, to be deposited or paid in accordance with the provisions of sub-Section (1) and no Court shall, save for reasons to be recorded in writing, entertain any plea on this account at any subsequent stage].

(3) If, in any proceeding referred to in sub-Section (1), there is any dispute as to the person or persons to whom the rent is payable, the Court may direct the tenant to deposit with the Court the amount payable by him under sub-Section (1) or sub-Section (2), and in such a case, no person shall be entitled to withdraw the amount in deposit until the Court decides the dispute and makes an order for payment of the same.

(4) If the Court is satisfied that any dispute referred to in sub-Section (3) has been raised by a tenant for reasons which are false or frivolous, the Court may order the defence against eviction to be struck out and proceed with the hearing of the suit.

(5) If a tenant makes deposit or payment as required by sub-section (1) or sub-Section (2), no decree or order shall be made by the Court for the recovery of possession of the accommodation on the ground of default in t e payment of

rent by the tenant, but the Court may allow such cost as it may deem fit to the landlord.

[(6) If a tenant fails to deposit or pay any amount as required by this Section, the Court may order the defence against eviction to be struck out and shall proceed with the hearing of the suit, appeal or proceeding, as the case may be.]

Section 14. Restrictions on sub-letting

(1) No tenant shall, without the previous consent in writing of the landlord,-

(a) sub-let the whole or any part of the accommodation held by him as a tenant; or

(b) transfer or assign his rights in the tenancy or in any part thereof.

(2) No landlord shall claim or receive the payment of any sum as premium or pugree or claim or receive any consideration whatsoever in cash or in kind for giving his consent to the sub-letting of the whole or any part of the accommodation held by the tenant.

Section 15. Notice of creation and termination of sub-tenancy

(1) Where, after the commencement of this Act, any accommodation is sub-let either in whole or in part by the tenant with the previous consent in writing of the landlord, the tenant or the sub-tenant to whom the accommodation is sub-let may, in the prescribed manner, give notice to the landlord of the creation of the sub-tenancy within one month of the date of such sub-letting and notify the termination of such sub-tenancy within one month of such termination.

(2) Where, before the commencement of this Act, any accommodation has been lawfully sub-let either in whole or in part by the tenant, the tenant or the sub-tenant to whom the accommodation has been sub-let may, in the prescribed manner, give notice to the landlord of the creation of the sub-tenancy within six months of the commencement of this Act, and notify the termination of such sub-tenancy within one month of such termination.

(3) Where, in any case mentioned in sub-Section (2), the landlord contests that the accommodation was not lawfully sub-let and an application is made to the Rent Controlling Authority in this behalf, either by the landlord or by the sub-tenant, within two months of the date of the receipt of the notice of sub-letting by the landlord or the issue of the notice by the tenant or the sub-tenant, as the case may be, the Rent Controlling Authority shall decide the dispute.

Section 16. Sub-tenant to be tenant in certain cases

(1) Where an order for eviction in respect of any accommodation is made under Section 12 against a tenant but not against a sub-tenant referred to in Section 15 and a notice of the sub-tenancy has been given to the landlord, the sub-tenant shall, with effect from the date of the order, be deemed to become a tenant holding directly under the landlord in respect of the accommodation in his occupation on the same terms and conditions on which the tenant would have held from the landlord, if the tenancy had continued.

(2) Where, before the commencement of this Act, the interest of a tenant in respect of any accommodation has been determined without determining the interest of any sub-tenant to whom the accommodation either in whole or in part had been lawfully sub-let, the sub-tenant shall, with effect from the date of the commencement of this Act, be deemed to have become a tenant holding directly under the landlord on the same terms and conditions on which the tenant would have held from the landlord, if the tenancy had continued.

Section 17. Recovery of possession for occupation and re-entry

[(1) Where a landlord recovers possession of any accommodation from the tenant in pursuance of an order made under clause (e) or clause (f) of sub-Section (1) of Section 12 the landlord shall not, except with the permission of the Rent Controlling Authority obtained in the prescribed manner, re-let the whole or any part of the accommodation within two years from the date of obtaining such possession, and in granting such permission, the Rent Controlling Authority may direct the landlord to put such evicted tenant in possession of the accommodation.

(2) Where a landlord recovers possession of any accommodation as aforesaid and the accommodation is not occupied by the landlord if he is the owner thereof, or by the person for whose benefit the accommodation is held, within two months of obtaining such possession, or the accommodation having been so occupied is, at any time within two years from the date of obtaining possession, re-let to any person other than the evicted tenant without obtaining the permission of the Rent Controlling Authority under sub-Section (1) or the possession of such accommodation is transferred to another person for reasons which do not appear to the Rent Controlling Authority to be bonafide, the Rent Controlling Authority may, on an application made to it in this behalf by such evicted tenant within such time as may be prescribed, direct the landlord to put the tenant in possession of the accommodation or to pay him such compensation as the Rent Controlling Authority thinks fit.

(3) Where the landlord makes any payment to the tenant by way of compensation under sub-Section (7) of Section

12, the evicted tenant shall not be liable to refund the same to the landlord on being put in possession of the accommodation under sub-Section (1) or sub-Section (2).]

Section 18. Recovery of possession for repairs and re-building and re-entry

(1) In making any order on the grounds specified in clause (g) or clause (h) of sub-Section (I) of Section 12, the Court shall ascertain from the tenant whether he elects to be placed in occupation of the accommodation or part thereof from which he is to be evicted, and, if the tenant so elects, shall record the fact of the election in the order and specify therein the date on or before which he shall deliver possession so as to enable the landlord to commence the work of repairs or building or re-building, as the case may be.

(2) If the tenant delivers possession on or before the date specified in the order, the landlord shall, on the completion of the work of repairs or building or re-building place the tenant in occupation of the accommodation or part thereof, as the case may be, within one month of the completion of such work.

(3) If, after the tenant has delivered possession on or before the date specified in the order, the landlord fails to commence the work of repairs or building or re-building within one month of the specified date or fails to complete the work in a reasonable time or having completed the work, fails to place the tenant in occupation of the accommodation in accordance with sub-section (2), the Court may, on an application made to it in this behalf by the tenant within such time as may be prescribed, order the landlord to place the tenant in occupation of the accommodation or part thereof or to pay to the tenant such compensation as the Court thinks fit.

Section 19. Recovery of possession! in ease of tenancies for limited period

Where a landlord does not require the whole or any part of any accommodation for a particular period and the landlord, after obtaining the permission of the Collector or such other officer as may be authorised by him under sub-section (1) of Section 39, in the prescribed manner, lets the whole of the accommodation or part thereof as a residence for such period as may be agreed to in writing between the landlord and the tenant and the tenant does not, on the expiry of the said period, vacate such accommodation, then notwithstanding anything contained in sub-section (1) of Section 12 or in any other law, the Court may, on a suit being filed before it in this behalf by the landlord within such time as may be prescribed, place the landlord in vacant possession of the accommodation or part thereof by evicting the tenant and every other person who may be in occupation of such accommodation.

Section 20. Special provision for recovery of possession in certain cases

Where the landlord in respect of any accommodation is any company or other body corporate or any local authority or any public institution and the accommodation is required for the use of employees of such landlord, or, in the case of a public institution, for the furtherance of its activities, then, notwithstanding anything contained in Section 12 or in any other law, the Court may, on a suit being filed before it in this behalf by such landlord, place the landlord in vacant possession of such accommodation by evicting the tenant and every other person who may be in occupation thereof, if the Court is satisfied-

(a) that the tenant to whom such accommodations were let for use as a residence at a time when he was in the service or employment of the landlord, has ceased to be in such service or employment; or

(b) that the tenant has acted in contravention of the terms, express or implied, under which he was authorised to occupy such accommodation; or

(c) that any other person is in unauthorised occupation of such accommodation; or

(d) that the accommodation is required bonafide by the public institution for the furtherance of its activities.

Explanation. - For the purposes of this Section, "public institution" includes any educational institution, library, hospital and charitable dispensary.

Section 21. Permission to construct additional structures

Where the landlord proposes to make any improvement in or construct any additional structure on, any building which has been let to a tenant and the tenant refuses to allow the landlord to make such improvement or construct such additional structure and the Rent Controlling Authority, on an application made to it in this behalf by the landlord, is satisfied that the landlord is ready and willing to commence the work and that such work will not cause any undue hardship to the tenant, the Rent Controlling Authority may permit the landlord to do such work and may make such other order as it thinks fit in the circumstances of the case.

Section 22. Special provision regarding vacant building sites

Notwithstanding anything contained in Section 12 where any accommodation which has been let, comprises vacant land upon which it is permissible under the building regulations or municipal bye-laws for the time being in force, to erect any building whether for use as a residence or for any other purpose and the landlord proposing to erect such building is unable to obtain possession of the land from the tenant by agreement with him and the Rent Controlling Authority, on an application made to it in this behalf by the landlord, is satisfied that the landlord is ready and willing to commence the work and that the severance of the vacant land from the rest of the accommodation will not cause undue hardship to the tenant, the Rent Controlling Authority may-

(a) direct such severance;

(b) place the landlord in possession of the vacant land;

(c) determine the rent payable by the tenant in respect of the rest of the accommodation; and

(d) make such other order as it thinks fit in the circumstances of the case.

Section 23. Vacant possession to landlord

Notwithstanding anything contained in any other law, where the interest of a tenant in any accommodation is determined for any reason whatsoever and any decree or order is passed by a Court under this Act for the recovery of possession of such accommodation, the decree or order shall, subject to the provisions of Section 16, be binding on all persons who may be in occupation of the accommodation and vacant possession thereof, shall be given to the landlord by evicting all such persons therefrom :

Provided that nothing in this Section shall apply to any person who has an independent title to such accommodation.

[CHAPTER III-A] Eviction of tenants on Grounds of bonafide Requirement

Section 23A. Special provision for eviction of tenant on ground of bonafide requirement

Notwithstanding anything contained in any other law for the time being in force or contract to the contrary, a landlord may submit an application, signed and verified in a manner provided in Rules 14 and 15 of Order VI of the First Schedule to the Code of Civil Procedure, 1908 (V of 1908) as if it were a plaint to the Rent Controlling Authority on one or more of the following grounds for an order directing the tenant to put the landlord in possession of the accommodation, namely :-

(a) that the accommodation let for residential purposes is required "bonafide" by the landlord for occupation as residence for himself or for any member of his family, or for any person for whose benefit, the accommodation is held and that the landlord or such person has no other reasonably suitable residential accommodation of his own in his occupation in the city or town concerned.

Explanation. - For the purposes of this clause, "accommodation let for residential purposes" includes-

(i) any accommodation which having been let for use as a residence is without the express consent of the landlord, used wholly or partly for any non-residential purpose;

(ii) any accommodation which has not been let under an express provision of contract for non-residential purpose;

(b) that the accommodation let for non-residential purposes is required "bonafide" by the landlord for the purpose of continuing or starting his business or that of any of his major sons or unmarried daughters, if he is the owner thereof or for any person for whose benefit the accommodation is held and that the landlord or such person has no other reasonably suitable non-residential accommodation of his own in his occupation in the city or town concerned:

Provided that where a person who is a landlord has acquired any accommodation or any interest therein by transfer, no application for eviction of tenant of such accommodation shall be maintainable at the instance of such person unless a period of one year has elapsed from the date of such acquisition.

Section 23B. Rent Controlling Authority to issue summons in relation to every application under Section 23-A

(1) The Rent Controlling Authority shall issue to the tenant a summons, in relation to every application referred to in Section 23-A, in the form specified in the Second Schedule.

(2) Save as otherwise provided in this Act, the provisions of Order V and Order XVI of the First Schedule to the Code of Civil Procedure, 1908 (V of 1908) regarding issue and service of summons to a defendant and summoning and attendance of witnesses to give evidence or to produce documents shall apply mutatis mutandis to issue and service

of any summons to a tenant or opposite party or to a witness to give evidence or to produce documents in an inquiry or proceeding under this Chapter.

Section 23C. Tenant not entitled to contest except under certain circumstances

(1) The tenant on whom the summons is served in the form specified in the Second Schedule shall not contest the prayer for eviction from the accommodation unless he files within fifteen days from the date of service of the summons, an application supported by an affidavit stating the grounds on which he seeks to contest the application for eviction and obtains leave from the Rent Controlling Authority as hereinafter provided, and in default of his appearance in pursuance of the summons or in default of his obtaining such leave, or if such leave is refused, the statement made by the landlord in the application for eviction shall be deemed to be admitted by the tenant. The Rent Controlling Authority shall in such a case pass an order of eviction of the tenant from the accommodation:

Provided that the Rent Controlling Authority may, for sufficient cause shown by the tenant, excuse the delay of the tenant in entering appearance or in applying for leave to defend the application for eviction and where ex-parte order has been passed, may set it aside.

(2) The Rent Controlling Authority shall, within one month of the date of receipt of application, give to the tenant, if necessary, leave to contest the application, if the application supported by an affidavit filed by the tenant discloses such facts as would disentitle the landlord from obtaining an order for the recovery of possession of the accommodation on the ground specified in Section 23-A.

Section 23D. Procedure to be followed by Rent Controlling Authority or grant of leave to tenant to contest

(1) Where leave is granted to the tenant to contest the application, the Rent Controlling Authority shall commence the hearing of the application as early as practicable and decide the same, as far as may be, within six months of the order of granting of leave to the tenant to contest application.

(2) The Rent Controlling Authority shall, while holding an enquiry in a proceeding to which this Chapter applies, follow as far as practicable, the practice and procedure of a Court of Small Causes including the recording of evidence under the Provincial Small Cause Courts Act, 1887 (IX of 1887). The Rent Controlling Authority shall as far as possible, proceed with the hearing of the application from day to day.

[(3) In respect of an application by a landlord it shall be presumed, unless the contrary is proved, the requirement by the landlord with reference to clause (a) or clause (b), as the case may be of Section 23-A is bona fide.]

Section 23E. Revision by High Court

(1) Notwithstanding anything contained in Section 31 or Section 32, no appeal shall lie from any order passed by the Rent Controlling Authority under this Chapter.

(2) The High Court may, at any time suo motu or on the application of any person aggrieved, for the purpose of satisfying itself as to the legality, propriety or correctness of any order passed by or as to the regularity of the proceedings of the Rent Controlling Authority, call for and examine the record of the case pending before or disposed of by such Authority and may pass such order in revision in reference thereto as it thinks fit and save as otherwise provided by this Section, in disposal of any revision under this Section, the High Court shall, as far as may be, exercise the same powers and follow the same procedure as it does for disposal of a revision under Section 115 of the Code of Civil Procedure, 1908 (V of 1908) as if any such proceeding of the Rent Controlling Authority is of a Court sub-ordinate to such High Court.

Provided that no powers of revision at the instance of person aggrieved shall be exercised unless an application is presented within ninety days of the date of the order sought to be revised.

Section 23F. Duration of stay

The stay of the operation of the order of eviction passed by a Rent Controlling Authority or by the High Court shall not enure for a total period of more than six months.

Section 23G. Recovery of possession for occupation and re-entry

(1) Where an order for the eviction of a tenant is made on the ground specified in clause (a) of Section 23-A, the landlord shall not be entitled to obtain possession thereof before the expiration of a period of two months from the date of the order.

(2) Where an order for the eviction of a tenant is made on the grounds specified in clause (b) of Section 23-A, the landlord shall not be entitled to obtain possession thereof-

(a) before the expiration of period of two months from the date of the order; and

(b) if the accommodation is situate in cities of Gwalior (including Lashkar and Morar), Indore, Ujjain, Ratlam, Bhopal, Jabalpur, Raipur or Durg or such other towns or cities specified by the State Government by notification in that behalf, unless the landlord pays to the tenant such amount by way of compensation as may be equal to-

(i) double the amount of the annual standard rent of the accommodation in the following cases:

(a) where the accommodation has, for a period of ten complete years immediately preceding the date on which the landlord files an application for possession thereof, been used for business purposes or for any other purposes alongwith such purpose, by the tenant who is being evicted;

(b) where during the aforesaid period of ten years, the tenant carrying on any business in the accommodation has left it and the tenant immediately succeeding has acquired the business of his predecessor either through transfer or inheritance;

(ii) the amount of the annual standard rent in other cases.

(3) Where a landlord recovers possession of any accommodation from the tenant in pursuance of an order made under clause (a) or clause (b) of Section 23-A, the landlord shall not, except with the permission of the Rent Controlling Authority obtained in the prescribed manner, re-let the whole or any part of the accommodation within two years from the date of obtaining such possession, and in granting such permission, the Rent Controlling Authority may direct the landlord to put such evicted tenant in possession of the accommodation.

(4) Where a landlord recovers possession of any accommodation as aforesaid and the accommodation is not occupied by the landlord if he is the owner thereof, or by the person for whose benefit the accommodation is held, within two months of obtaining such possession, or the accommodation having been so occupied is, at any time within two years from the date of obtaining possession re-let to any person other than the evicted tenant without obtaining the permission of the Rent Controlling Authority under sub-Section (3) or the possession of such accommodation is transferred to another person for reasons which do not appear to the Rent Controlling Authority may, to be bonafide, the Rent Controlling Authority may, on an application made to it in this behalf by such evicted tenant within such time as may be prescribed, direct the landlord to put the tenant in possession of the accommodation or to pay him such compensation as the Rent Controlling Authority thinks fit. 6

(5) Where the landlord makes any payment to the tenant by way of compensation under sub-Section (2), the evicted tenant shall not be liable to refund the same to the landlord on being put in possession of the accommodation under sub-Section (3) or sub-section (4).

Section 23H. Deposit of rent pending proceedings for eviction or for revision

The provisions of Section 13 shall apply mutatis mutandis in respect of an application for recovery of possession of accommodation under Section 23-A and in respect of proceeding for revision under Section 23-E against final order by the Rent Controlling Authority under Section 23-C or under Section 23-D as they apply to a suit or proceeding instituted on any of the grounds referred to in Section 12 :

Provided that no suit or proceeding for eviction of the tenant is pending before any Court at any of its stages in relation to the same accommodation.

Section 23I. False and frivolous application etc

A landlord making a false or frivolous application under Section 23-A or a tenant seeking either permission to defend the application or adjournment on false or frivolous or vexatious grounds, may be saddled with heavy compensatory costs not exceeding six months rent of the accommodation at a time as the Rent Controlling Authority may fix.

Section 23J. Definition of landlord for the purposes of Chapter III-A

[For the purpose of this Chapter 'landlord' means a landlord who is-

(i) a retired servant of any Government including a retired member of Defence Services; or

(ii) a retired servant of a company owned or controlled either by the Central or State Government; or

(iii) a widow or a divorced wife; or

(iv) physically handicapped person; or

(v) a servant of any Government including a member of defence services who, according to his service conditions, is not entitled to Government accommodation on his posting to a place where he owns a house or is entitled to such accommodation only on payment of a penal rent on his posting to such a place.]

CHAPTER IV Deposit of Rent

Section 24. Receipt to be given for rent paid

(1) Every tenant shall pay rent within the time fixed by contract or in the absence of such contract, by the fifteenth day of the month next following the month for which it is payable.

(2) Every tenant who makes a payment of rent to his landlord shall be entitled to obtain forthwith from the landlord or his authorised agent, a written receipt for the amount paid to him, signed by the landlord or his authorised agent.

(3) If the landlord or his authorised agent refuses or neglects to deliver to the tenant a receipt referred to in sub-Section (2), the Rent Controlling Authority may, on an application made to it in this behalf by the tenant within two months from the date of payment and after hearing the landlord or his authorised agent, by order direct the landlord or his authorised agent, to pay to the tenant by way of damages, such sum not exceeding double the amount of rent paid by the tenant and the costs of the application, and shall also grant a certificate to the tenant in respect of the rent paid.

Section 25. Deposit of rent by tenant

(1) Where the landlord does not accept any rent tendered by the tenant within the time referred to in Section 24 or refuses or neglects to deliver a receipt referred to therein or where there is a bona fide doubt as to the person or persons to whom the rent is payable, the tenant may deposit such rent with the Rent Controlling Authority in the prescribed manner and such deposit of rent shall be a full discharge of the tenant from the liability to pay rent to the landlord.

(2) The deposit shall be accompanied by an application by the tenant containing the following particulars, namely :

(a) the accommodation for which the rent is deposited with a description sufficient for identifying the accommodation;

(b) the period for which the rent is deposited;

(c) the name and address of the landlord or the person or persons claiming to be entitled to such rent;

(d) the reasons and circumstances for which the application for depositing the rent is made;

(e) such other particulars as may be prescribed.

(3) On such deposit of the rent being made, the Rent Controlling Authority shall send in the prescribed manner a copy or copies of the application to the landlord or persons claiming to be entitled to the rent with an endorsement of the date of the deposit.

(4) If an application is made for the withdrawal of any deposit of rent, the Rent Controlling Authority shall, if satisfied that the applicant is the person entitled to receive the rent deposited, order the amount of the rent to be paid to him in the manner prescribed and such payment of rent shall be a full discharge of the Rent Controlling Authority from all liability to pay rent to the landlord :

Provided that no order for payment of any deposit of rent shall be made by the Rent Controlling Authority under this sub-Section without giving all persons named by the tenant in his application under sub-Section (2), as claiming to be entitled to payment of such rent, an opportunity of being heard and such order shall be without prejudice to the rights of such persons to receive such rent being decided by a Court of competent jurisdiction.

(5) If at the time of filing the application under sub-Section (4), but not after the expiry of thirty days from receiving the notice of deposit, the landlord or the person or persons claiming to be entitled to the rent complains or complain to the Rent Controlling Authority that the statements in the tenant's application of the reasons and circumstances which led him to deposit the rent are untrue, the Rent Controlling Authority, after giving the tenant an opportunity of being heard, may levy on the tenant a fine which may extend to an amount equal to two months' rent, if the Rent Controlling Authority is satisfied that the said statements were materially untrue and may order that a sum out of the fine realised be paid to the landlord as compensation.

(6) The Rent Controlling Authority may, on the complaint of the tenant and after giving an opportunity to the landlord of being heard, levy on the landlord a fine which may extend to an amount equal to two months' rent, if the Rent Controlling Authority is satisfied that the landlord, without any reasonable cause, refused to accept rent though tendered to him within the time referred to in Section 24 and may further order that a sum out of the fine realised be paid to the tenant as compensation.

Section 26. Time limit for making deposit and consequences of incorrect particulars in application for deposit

(1) No rent deposited under Section 25 shall be considered to have been validly deposited under that Section, unless the deposit is made within twenty-one days of the time referred to in Section 24 for payment of the rent.

(2) No such deposit shall be considered to have been validly made, if the tenant wilfully makes any false statement in his application for depositing the rent, unless the landlord has withdrawn the amount deposited before the date of filing an application for the recovery of possession of the accommodation from the tenant.

(3) If the rent is deposited within the time mentioned in sub-section (1) and does not cease to be a valid deposit for the reason mentioned in sub-Section (2), the deposit shall constitute payment of rent to the landlord, as if the amount deposited had been validly tendered.

Section 27. Saving as to acceptance of rent and forfeiture of rent in deposit

(1) The withdrawal of rent deposited under Section 25 in the manner provided therein shall not operate as an admission against the person withdrawing it of the correctness of the rate of rent, the period of default, the amount due, or of any other facts stated in the tenant's application for depositing the rent under the said Section.

(2) Any rent in deposit which is not withdrawn by the landlord or by the person or persons entitled to receive such rent shall be forfeited to Government by an order made by the Rent Controlling Authority, if it is not withdrawn before the expiration of five years from the date of posting of the notice of deposit.

(3) Before passing an order of forfeiture, the Rent Controlling Authority shall give notice to the landlord or the person or persons entitled to receive the rent in deposit by registered post acknowledgment due at the last known address of such landlord or person or persons and shall also publish the notice in his office, and if the amount of rent exceeds hundred rupees, shall also publish it in any local newspaper.

CHAPTER V Appointment of Rent Controlling Authorities, their Powers, Functions and Appeals

Section 28. Appointment of Rent Controlling Authority

(1) The Collector shall, with the previous approval of the State Government appoint an officer, not below the rank of Deputy Collector to be the Rent Controlling Authority for the area within his jurisdiction to which this Act applies.

(2) The Collector may, with the previous approval of the State Government, appoint, from amongst officers, not below the rank of a Deputy Collector, one or more Rent Controlling Authorities, as he deems fit to assist the Rent Controlling Authority appointed under sub-Section (1).

Section 29. Powers of Rent Controlling Authority

(1) The Rent Controlling Authority shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (V of 1908), in any proceeding before it in respect of the following matters, namely:

(a) summoning and enforcing the examining him on oath;

(b) requiring the discovery and production of documents;

(c) issuing commissions for the

(d) any other matter which may

and any proceeding before the Rent Controlling Authority shall be deemed to be a judicial proceeding within the meaning of Section 193 and Section 228 of the Indian Penal Code, 1860 (XLV of 1860), and the Rent Controlling Authority shall be deemed to be a civil Court within the meaning of Section 480 and Section 482 of the [Code of Criminal Procedure, 1898 (V of 1898).]

(2) For the purposes of holding any inquiry or discharging any duty under this Act, the Rent Controlling Authority may,-

(a) after giving not less than twenty-four hours' notice in writing, enter and inspect any accommodation at any time between sunrise and sunset; or

(b) by written order, require any person to produce for his inspection, all such accounts, books or other documents relevant to the inquiry at such time and at such place as may be specified in the order.

Section 30. Procedure to be followed by Rent Controlling Authority

(1) No order which prejudicially affects any person shall be made by the Rent Controlling Authority under this Act without giving him a reasonable opportunity of showing cause against the order proposed to be made and until his objections, if any, and any evidence he may produce in support of the same, have been considered by the Rent Controlling Authority.

(2) In all proceedings before if, the Rent Controlling Authority shall consider the question of costs and award such costs to or against any party as the Rent Controlling Authority considers reasonable.

Section 31. Appeal to District Judge or Additional District Judge

(1) An appeal shall lie from every order of the Rent Controlling Authority made under this Act to the District Judge or an Additional District Judge having territorial jurisdiction (hereinafter referred to as the Judge) and the decision of the appellate Court shall be final.

(2) An appeal under sub-Section (1) shall be preferred within thirty days from the date of the order made by the Rent Controlling Authority :

Provided that in computing the period of thirty days the period requisite for obtaining a copy of the order shall be excluded :

Provided further that the Judge may for sufficient reasons allow an appeal after the expiry of the said period.

Section 32. Second appeal

A second appeal shall lie against any order passed in first appeal under Section 31 on any of the following grounds and no other, namely:

(i) that the decision is contrary to law or usage having the force of law; or

(ii) that the decision has failed to determine some material issue of law; or

(iii) that there has been a substantial error or defect in the procedure as prescribed by this Act, which may possibly have produced error or defect in the decision of the case upon merits.

Section 33. Amendment of orders

Clerical or arithmetical mistakes in any order passed by a Rent Controlling Authority or the Judge or errors arising therein from any accidental slip or omission may, at any time, be corrected by the Rent Controlling Authority or the Judge on an application received in this behalf from any of the parties or otherwise.

Section 34. Rent Controlling Authority to exercise powers of Magistrate for recovery of fine

Any fine imposed by a Rent Controlling Authority under this Act shall be paid by the person fined, within such time as may be allowed by the Rent Controlling Authority and the Rent Controlling Authority may, for good and sufficient reason, extend the time, and in default of such payment, the amount shall be recoverable as a fine under the provisions of the [Code of Criminal Procedure, 1898 (V of 1898)], and the Rent Controlling Authority shall be deemed to be a Magistrate under the said Code for the purposes of such recovery.

Section 35. Rent Controlling Authority to exercise powers of Civil Court for execution of other order

[Save as otherwise provided in Section 34, an order made by the Rent Controlling Authority or an order passed in appeal under this Chapter or in a revision under Chapter III-A shall be executable by the Rent Controlling Authority as a decree of a Civil Court and for this purpose, the Rent Controlling Authority shall have all the powers of a Civil Court.]

Section 36. Finality of order

Save as otherwise expressly provided in this Act, every order made by the Rent/Controlling Authority shall, subject to decision in appeal, be final and shall not be called in question in any original suit, application or execution proceeding.

CHAPTER VI Provisions Regarding Special Obligations of Landlords and Penalties

Section 37. Landlord's duty to keep accommodation in good repair

(1) Every landlord shall be bound to keep the accommodation in good and tenantable repairs.

(2) If the landlord neglects or fails to make, within a reasonable time after notice in writing, any repairs which he is bound to make under sub-Section (1), the tenant may make the same himself and deduct the expenses of such repairs from the rent or otherwise recover them from the landlord :

Provided that the amount so deducted or recoverable in any year shall not exceed one-twelfth of the rent payable by the tenant for that year.

(3) Where any repairs without which the accommodation is not habitable or usable except with undue inconvenience are to be made and the landlord neglects or fails to make them after notice in writing, the tenant may apply to the Rent Controlling Authority for permission to make such repairs himself and, may submit to the Rent Controlling Authority an estimate of the cost of such repairs, and, thereupon, the Rent Controlling Authority may, after giving the landlord an opportunity of being heard and after considering such estimate of the cost and making such inquiries as it may consider necessary, by an order in writing, permit the tenant to make such repairs at such cost as may be specified in the order and it shall thereafter be lawful for the tenant to make such repairs himself and to deduct the cost thereof, which shall in no case exceed the amount so specified, from the rent or otherwise recover it from the landlord :

Provided that the amount so deducted or recoverable in any year shall not exceed one-half of the rent payable by the tenant for that year :

Provided further that if any repairs not covered by the said amount are necessary in the opinion of the Rent Controlling Authority, and the tenant agrees to bear the excess cost himself, the Rent Controlling Authority may permit the tenant to make such repairs.

Section 38. Cutting off or withholding essential supply or service

(1) No landlord either himself or through any person purporting to act on his behalf shall without just and sufficient cause cut off or withhold any essential supply or service enjoyed by the tenant in respect of the accommodation let to him.

(2) If a landlord contravenes the provisions of sub-Section (1), the tenant may make an application to the Rent Controlling Authority complaining of such contravention.

(3) If the Rent Controlling Authority on inquiry finds that the essential supply or service enjoyed by the tenant in respect of the accommodation was cut off or withheld by the landlord without just and sufficient cause, it shall make an order directing the landlord to restore such supply or service.

(4) The Rent Controlling Authority may in its discretion direct that compensation not exceeding fifty rupees-

(a) be paid to the landlord by the tenant, if the application under sub-Section (2) was made frivolously or vexatiously;

(b) be paid to the tenant by the landlord, if the landlord had cut off or withheld the supply or service without just and sufficient cause.

Explanation I. - In this Section, "essential supply or service" includes supply of water, electricity, lights in passages and on staircases, conservancy and sanitary services.

Explanation II. - For the purposes of this Section, withholding any essential supply or service shall include acts or omissions attributable to the landlord on account of which the essential supply or service is cut off by the local authority or any other competent authority.

Section 39. Control of letting

(1) The Collector or such other Officer not below the rank of a Deputy Collector as may be authorised by him in this behalf (hereinafter referred to in this Chapter as the authorised officer) may, on his own motion or on application made to him in this behalf, by general or special order, require a landlord to give information in writing [within such time as may be specified therein] of any accommodation which has fallen vacant or is likely to fall vacant and also require him to let or not to let such accommodation except in accordance with such order as he may give in accordance with the provisions of this Chapter.

(2) If any accommodation which has fallen vacant or is likely to fall vacant is required for occupation by any person holding an office of profit under the Union or State Government or any person in the service of a local authority, the Madhya Pradesh Electricity Board, the Board of Secondary Education, Madhya Pradesh, or such other body corporate as may be specified by the State Government by a notification in the Gazette, the Collector or the authorised officer, may, subject to the provisions of Section 40, [within 15 days from the date of receipt of the information given by the landlord in pursuance of an order issued under sub-Section (1)] by order allot the accommodation to any such person as may be specified by him in the order and direct the landlord to put him in possession of the accommodation and the landlord shall place him in possession immediately if it is vacant or as soon as it becomes vacant :

Provided that if the landlord has [in the information given in pursuance of an order issued under sub-section (1)]

stated that he needs the accommodation for his own occupation, the Collector or the authorised officer, shall, if satisfied after due inquiry that the accommodation is so needed, permit the landlord to occupy the same :

Provided further that in allotting the accommodation to any person under this sub-Section due regard will be had, as far as possible, to the wishes of the landlord as regards the type of the person to whom the accommodation may be allotted, as may be indicated by him [in the information given in pursuance of an order issued under sub-Section (1)].

(3) If no order is passed and served upon the landlord within the period specified in sub-Section (2), he shall be free to let the vacant accommodation to any person :

Provided that in a case failing under the first proviso to sub-section (2), the period spent in an enquiry shall be excluded.

(4) The Collector or the authorised officer may take or cause to be taken such steps and use or cause to be used such minimum force including police force as may, in his opinion is reasonable for securing the compliance with, or for preventing or rectifying contravention of the Act or rules thereunder or for the effective exercise of such power.

(5) Nothing in this Section shall apply to-

(a) any accommodation used for residential purposes the monthly rent of which does not exceed twenty-five rupees;

(b) any accommodation used for non-residential purposes the monthly rent of which does not exceed fifty rupees;

(c) any accommodation which has fallen vacant in pursuance of an order passed under this Act for the purpose of occupation by the landlord;

(d) any accommodation belonging to a local authority, Company or Firm and bona fide intended solely for the occupation of its officers, servants and agents.

Section 40. Allotment of accommodation

The Collector [or the authorised officer] shall as far as possible allot accommodation under sub-Section (2) of Section 39 in accordance with the following principles :

(1) The accommodation shall be allotted in the following order of priority:

(i) persons holding office of profit under the Union or the State Government;

(ii) persons in the service of a local authority, Madhya Pradesh Electricity Board, Board of Secondary Education, Madhya Pradesh, or such other body corporate as may be specified by the State Government by notification.

(2) If the accommodation was occupied by a person holding an office of profit for the Union or the State Government, it shall be allotted to his successor:

Provided that for reasons to be recorded in writing, it may be allotted to any other person who is not a successor of the previous occupant.

Section 40A. Special provision of allotment during emergency

[(1) In this Section 'Proclamation of Emergency' means a Proclamation issued under clause (1) of Article 352 of the Constitution of India.

(2) During the period a Proclamation of Emergency remains in force the members of the family of-

(i) a member of the naval, military, air or other armed forces of the Union on active duty; or

(ii) a civil Government servant who, during such period, takes up service in the aforesaid forces, may notwithstanding anything- contained in this Act, be allotted accommodation at a place to be specified by the member of the said forces or the civil Government servant, as the case may be, by the Collector having jurisdiction over the said place or the authorised officer, if the accommodation is vacant or is likely to fall vacant and the said Collector or the authorised officer, as the case may be, may direct the landlord to put the members of the family in whose favour the accommodation has been allotted in possession of such accommodation and the landlord shall place such members of the family in possession thereof immediately, if the accommodation is vacant or as soon as it becomes vacant.

(3) Tenancy of any person who has been allotted accommodation under this Section shall terminate on the expiry of a period of one year from the date, the Proclamation of Emergency ceases to be in force].

Section 41. Liability of person allotted accommodation to pay rent

Where an accommodation is allotted to a person under [sub-section (2) of Section 39 of Section 40-A] he shall be deemed to be a tenant of the landlord of such accommodation and shall be liable to pay therefor from the date of the vacation of the accommodation-

(a) where the accommodation before it became vacant was in occupation of a tenant, the rent payable by such tenant;

(b) where the accommodation was not previously in occupation of a tenant, such rent as may be determined by Rent Controlling Authority in accordance with the principles specified in Section 7:

Provided that where, in consequence of any proceedings under the first proviso to sub-section (2) of Section 39, the accommodation remains unoccupied by the allottee for a period exceeding fifteen days from the date of vacation thereof, the allottee shall be liable to pay rent only for a period of fifteen days out of the period during which it remained so unoccupied.

Section 42. Termination of tenancy

The tenancy of any person who has been allotted an accommodation by virtue of his office shall terminate on the date on which he ceases to hold such office on account of transfer, retirement or otherwise and the said person shall vacate such accommodation within seven days of such date :

Provided that the Collector or the authorised officer may, for reasons to be recorded in writing, extend the period for vacating the accommodation by a further period not exceeding four months.

Section 43. Penalties

(1) If any person receives any rent in excess of the standard rent as specified in clause (1) of Section 7 or as fixed by the Rent Controlling Authority under Section 10, he shall be punishable with simple imprisonment for a term which may extend to three months, or with fine which may extend to a sum which exceeds the unlawful charge claimed or received in excess of the standard rent by one thousand rupees, or with both.

(2) If any person contravenes any of the provisions of sub-section (2) or sub-section (3) of Section 6, he shall be punishable with simple imprisonment for a term which may extend to six months, or with fine which may extend to a sum which exceeds the amount or value of unlawful charge claimed or received under the said sub-Section (2) or sub-section (3), as the case may/be, by five thousand rupees, or with both.

(3) If any tenant sub-lets, assigns or otherwise parts with the possession of the whole or part of any accommodation in contravention of the provisions of clause (b) of sub-section (1) of Section 12, he shall be punishable with fine which may extend to one thousand rupees.

[(3-a) If any landlord re-lets or transfers the whole or any part of any accommodation in contravention of the provisions of sub-section (1) or sub-section (2) of Section 17, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, which may extend to one thousand rupees, or with both.]

[(4) If any landlord re-lets or transfers the whole or any part of any accommodation in contravention of the provisions of sub-section (3) or sub-section (4) of Section 23-G, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, which may extend to one thousand rupees or with both].

(5) If any landlord contravenes the provisions of sub-section (1) of Section 38, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(6) If any person contravenes the provisions of [sub-section (1) or sub-section (2) of Section 39 or of sub-Section (2) of Section 40-A] he shall be punishable with simple imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

Section 44. Cognizance of offences

(1) No court inferior to that of a Magistrate of the First Class shall try any offence punishable under this Act.

(2) No Court shall take cognizance of an offence punishable under this Act, unless the complaint in respect of the offence has been made within three months from the date of the commission of the offence.

(3) Notwithstanding anything contained in Section 32 of the [Code of Criminal Procedure, 1898 (V of 1898)], it shall be lawful for any Magistrate of the First Class to pass a sentence or fine exceeding two thousand rupees on a person convicted of an offence punishable under this Act.

CHAPTER VII Miscellaneous

Section 45. Jurisdiction of Civil Courts barred in respect of certain matters

(1) Save as otherwise expressly provided in this Act, no Civil Court shall entertain any suit or proceeding in so far as it relates to the fixation of standard rent in relation to any accommodation to which this Act applies or to any other

matter which the Rent Controlling Authority is empowered by or under this Act to decide, and no injunction in respect of any action taken or to be taken by the Rent Controlling Authority under this Act shall be granted by any Civil Court or other authority.

(2) Nothing in sub-section (1) shall be construed as preventing a Civil Court from entertaining any suit or proceeding for the decision of any question of title to any accommodation to which this Act applies or any question as to the person or persons who are entitled to receive the rent of such accommodation.

Section 46. Abetment of contravention punishable as contravention

Any person who attempts to contravene or abets the contravention of any order passed or deemed to have been passed under this Act shall be deemed to have contravened that order.

Section 47. Liability of contravention in case of company, firm etc

If the person, who contravenes any order made or deemed to have been made under this Act is a company, partnership, firm or other body corporate, every director, partner, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

Section 48. Rent Controlling Authority to be public servant

[The Collector, the Rent Controlling Authority or the officer authorised by the Collector under sub-section (1) of Section 39] shall be deemed to be public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (XLV of 1860).

Section 49. Protection of action taken in good faith

No suit, prosecution or other legal proceeding shall lie against [the Collector, or the Rent Controlling Authority or the officer authorised by the Collector under sub-section (1) of Section 39] in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

Section 50. Power to make rules

(1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :

(a) the form and manner in which, and the period within which, an application may be made to the Rent Controlling Authority;

(b) the manner in which a Rent Controlling Authority may hold an inquiry under this Act;

(c) the powers of the Civil Court which may be vested in a Rent Controlling Authority;

(d) the manner of service of notices under this Act;

(e) any other matter which has to be, or may be, prescribed.

(3) All rules made under this Section shall be laid on the table of the Assembly.

Section 51. Repeal and savings

[(1) The Madhya Pradesh Accommodation Control Act, 1955 (XXIII of 1955) is hereby repealed.

[(2) Notwithstanding such repeal, all suits and other proceedings under the said Act, pending at the commencement of this Act, before any Court or other authority shall be continued and disposed of in accordance with the provisions of the said Act as if the said Act had continued in force and this Act had not been passed and the provisions for appeal under the said Act shall continue in force in respect of suit and proceedings disposed of thereunder subject, however, to the condition that no Court fee shall be deducted by the Court as required by sub-section (3) of Section 5 of the said Act].

Schedules

The Schedules are not reproduced in this PDF. Each is in the official file, at the page given:

First Schedule (official file, page 25)

Second Schedule (official file, page 30)

Notifications (official file, page 31)

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